

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.
Counsellors at Law
6 Campus Drive, Suite 304
Parsippany, New Jersey 07054
(973) 538-9300
Attorneys for Movant
PNC Bank, National Association
R.A. LEBRON, ESQ.
PN103
bankruptcy@fskslaw.com

In Re:

WILLIAM F. HERTZKE, JR. and
KAREN HERTZKE

Debtor(s).

Case No.: 23-10104 MBK

Chapter: 13

Hearing Date: April 10, 2024

Judge: HONORABLE MICHAEL B.
KAPLAN, CHIEF JUDGE



Order Filed on April 23, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: April 23, 2024

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant:	PNC Bank, National Association
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtors' Counsel:	Lee Martin Perlman
Property Involved (Collateral")	10 PACIFIC TERRACE HAZLET, NJ 07730

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtors are overdue for 11 months, from May 20, 2023 to March 20, 2024.

☒ The Debtors are overdue for 11 payments with \$1,203.89 in suspense:

\$1,302.50	05/20/23
\$1,400.74	06/20/23
\$1,369.80	07/20/23
\$1,312.55	08/20/23
\$1,446.77	09/20/23
\$1,390.67	10/20/23
\$1,418.34	11/20/23
\$1,389.63	12/20/23
\$1,386.76	01/20/24
\$1,440.09	02/20/24
\$1,409.88	03/20/24

☐ The Debtors are assessed for N/A late charges at N/A per month.

☐ Applicant acknowledges receipt of funds in the amount of N/A received after the motion was filed.

Total Arrearages Due \$14,063.84.

2. Debtors must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$N/A. Payment shall be made no later than N/A.

☒ Beginning on April 20, 2024, regular monthly mortgage payments shall continue to be made in the amount of \$1,325.95.

☐ Beginning on N/A, additional monthly cure payments shall be made in the amount of \$N/A for N/A months.

☒ The amount of \$14,063.84 shall be capitalized in the Debtors' Chapter 13 plan. The Debtors must file a modified plan and budget within 14 days upon entry of this Order.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment: PNC Bank, N.A.
3232 Newmark Drive
Miamisburg, OH 45342
Attn: Payment Services

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtors fail to make the immediate payment specified above or fail to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$N/A, and costs of \$N/A.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.